

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

LULABELLE GARRETT,)	
)	
Plaintiff,)	
)	Case No.
vs.)	
)	
ERIC PAUL SMITH, and)	
STEVE MODE TRUCKING, INC.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW Defendants, Eric Paul Smith and Steve Mode Trucking, Inc., by and through their attorneys, Roberts Perryman, P.C., and hereby files their Notice of Removal stating the following:

INTRODUCTION

1. A civil action has been commenced and is now pending in the Circuit Court of St. Louis County, State of Missouri, Case No. 22SL-CC03497, wherein Lulabelle Garrett is the Plaintiff and Eric Paul Smith, and Steve Mode Trucking, Inc., are the Defendants.

2. This action is a civil action wherein Plaintiff has made claims for damages as a result of Defendants' alleged negligence in connection with a tractor trailer motor vehicle accident that occurred on July 15, 2019.

3. Plaintiff, Lulabelle Garrett, was and is a citizen of Illinois.

4. Defendant, Eric Paul Smith, was and is a citizen of Arkansas.

5. Defendant, Steve Mode Trucking, Inc., was an Arkansas corporation with its principal place of business in Arkansas.

DIVERSITY OF CITIZENSHIP EXISTS

6. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court by the Defendant pursuant to 28 U.S.C. § 1441, and this is a civil action proceeding involving diversity of citizenship.

7. Plaintiff, Lulabelle Garrett, was and is a citizen of Illinois.

8. Defendant, Eric Paul Smith, was and is a citizen of Arkansas.

9. Defendant, Steve Mode Trucking, Inc., was an Arkansas corporation with its principal place of business in Arkansas.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

10. The amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Plaintiff, Lulabelle Garrett, is claiming serious internal and external injuries to her neck, back, shoulders, arms, and suffers from depression. Plaintiff, Lulabelle Garrett, has already undergone a three-level anterior cervical disc replacement surgery with alleged medical bills in excess of \$150,000. Plaintiff is claiming she has or will continue to endure medical expenses, future medical expenses and treatment, and pain and suffering. Plaintiff, Lulabelle Garrett, has not agreed to stipulate that her damages are less than \$75,000.00.

NOTICE OF REMOVAL IS TIMELY

11. Less than thirty (30) days have elapsed since receipt of said initial pleadings by Defendants, Eric Paul Smith and Steve Mode Trucking, Inc.

12. Defendants, Eric Paul Smith and Steve Mode Trucking, Inc. filed herewith a copy of all process, pleadings, and order he has in this action. *See Exhibit A.*

WHEREFORE, Defendants Eric Paul Smith and Steve Mode Trucking, Inc., by and through counsel, pray the Court to accept their Notice for Removal, make and enter such orders as may be necessary to affect the complete removal of this action from the Circuit Court of St. Louis County, State of Missouri, to the United States District Court for the Eastern District of Missouri, and that further proceedings be discontinued in State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Ted L. Perryman

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been filed upon the Court's electronic filing system this 1st day of September 2022 to:

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/s/ Ted L. Perryman